

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NATIONAL ASSOCIATION FOR THE ADVANCEMENT
OF COLORED PEOPLE, SPRING VALLEY BRANCH, *et*
al.,

Plaintiffs,

– against –

EAST RAMAPO CENTRAL SCHOOL DISTRICT,

Defendant.
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ORDER

17-CV-8943 (CS)

Seibel, J.

On February 24, 2020, on Plaintiffs' motion, (Doc. 523), the Court found Yehuda Oshry to be in contempt of court for his failure to appear and testify at trial in the above-captioned matter.¹ That same day, a warrant for Mr. Oshry's arrest issued. Mr. Oshry is therefore subject to arrest at any time. If he appears at 9 a.m. on Wednesday, February 26, 2020, or Thursday, February 27, 2020, he will give his testimony and that will resolve the matter. If he does not appear on Wednesday or Thursday, I will hold the trial record open awaiting his testimony, and he will remain subject to arrest thereafter.

If upon Mr. Oshry's arrest it takes a period of days for the parties to be assembled to hear his testimony – as it likely will because the trial is otherwise expected to end on Thursday – he

¹ In the weeks leading up to and during trial, Plaintiffs attempted and failed to serve Mr. Oshry a subpoena *ad testificandum*. (Doc. 524 ¶ 4.) On February 12, 2020, I granted Plaintiffs' motion for authorization for alternative service of process, and specifically authorized Plaintiffs to send the original, by certified mail or overnight express, to 19 Vincent Road, Spring Valley, New York 10977. (Doc. 516.) I also authorized Plaintiffs' agent to hand-deliver the subpoena to a person of suitable age and discretion at Mr. Oshry's residence or, should such a person not be contacted, by leaving it in the mailbox or doorway. (*Id.*) On February 13, 2020, Plaintiffs' agent served a new subpoena on Mr. Oshry, commanding him to appear in this Court on February 18 through 21, 2020. (Doc. 517.) He did not appear. On February 21, 2020, Plaintiffs' agent served Mr. Oshry Plaintiffs' motion for contempt and supporting documents, and another subpoena *ad testificandum* commanding him to appear on February 24, 2020. (Docs. 525-26.) Mr. Oshry did not appear.

will have to be held in custody during that period, or suitable conditions of bail that will assure his appearance will have to be satisfied. Mr. Oshry should therefore understand that if he does not appear in Courtroom 621 at 300 Quarropas Street, White Plains, New York, on Wednesday, February 26, 2020, or Thursday, February 27, 2020, he risks being incarcerated for some period of time pending his testimony.² The Court hopes he will want to avoid that outcome.

Plaintiffs shall serve this Order on Mr. Oshry no later than February 25, 2020, by overnight express at Mr. Oshry's home and work addresses, and the Court will serve it by the same means at the home of one of Mr. Oshry's sons.

SO ORDERED.

Dated: February 25, 2020
White Plains, New York



CATHY SEIBEL, U.S.D.J.

² Mr. Oshry is further advised that he may be ordered to pay the fees and costs Plaintiffs incurred in attempting to secure his presence at trial.